

**FILED**  
JAN 14 2008  
RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WENDELL S. ELAM,  
Plaintiff,  
v.

No. C06-06747 MJJ

**ORDER DISMISSING CASE AND  
CLOSING FILE**

NATIONAL LABOR RELATIONS BOARD  
REGION #32,  
Defendant.

On October 26, 2006 *pro se* Plaintiff Wendell S. Elam petitioned this court to review a decision by Defendant National Labor Relations Board ("the Board"). The Board's decision was a refusal to issue an unfair labor practice complaint against Plaintiff's former employer, Kaiser Permanente Health Plan. (See Order Granting Def.'s Mot. to Dismiss, "Order," at 2.) On February 1, 2007 Defendant moved to dismiss Plaintiff's claims pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure. Plaintiff untimely moved for leave to amend. This Court found that it lacks subject matter jurisdiction over the matter, and thus granted Defendant's Motion to Dismiss and denied Plaintiff's Motion for leave to Amend. (Order at 5.) Contemporaneously, Defendant filed reply briefing, which it subsequently withdrew as moot. (See Docket Nos. 18-21.)

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As the Order resolved all issues in the present case, the Court **ORDERS** the case dismissed. The Clerk of the Court is directed to close the file.

**IT IS SO ORDERED.**

Dated: January 14, 2008

  
MARTIN J. JENKINS  
UNITED STATES DISTRICT JUDGE